

## **REMARKS**

Claims 1-19 are pending in the instant application. Claims 1-19 have been rejected by the Examiner. Claims 1, 4-5, 8-9, 13 and 18 have been amended. Claim 20 is newly added. The Applicant submits that claims 1-20 are in condition for allowance and respectfully requests reconsideration and withdrawal of the outstanding rejections. No new matter has been entered.

### **Support for Claim Amendments**

Support for the amendment to independent claim 1 can be found throughout the specification, figures and claims as originally filed. Figure 1, for example, shows a host system—ref. 102—as described in paragraph [0020]. In addition, independent claims 1, 5, and 9 have been amended to include features previously recited in dependent claims 4, 8, and 13, respectively. No new matter was entered.

Claim 20 is newly added, support for the claim can be found throughout the specification and the claims as originally filed. See, for example, paragraph [0030]. No new matter was entered.

### **Claim Rejections 35 U.S.C. § 101**

Claims 1-4 stand rejected under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter. The Examiner states in the Office Action that process is not tied to another statutory class. (Office Action, page 6). The Applicant has amended claim 1 to recite *inter alia* “compiling a report on said host system using said at least one order and said budget data.” The Applicant submits that claim 1 is directed to statutory subject matter and respectfully requests reconsideration and withdrawal of the rejection.

### **Claim Rejections Under 35 USC §103**

Claims 1, 3-5, 7-10, and 14-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rosenzweig et al. (U.S. Patent No. 6,081,810, hereinafter “Rosenzweig”), in view of Smith et al. (U.S. Application Publication 2002/0147668, hereinafter “Smith”), further in view of Barton (U.S. Patent No. 7,430,517, hereinafter “Barton”). The Applicants traverse the 030828 (BLL0179US)

rejections.

Claim 1 has been amended to recite *inter alia* “wherein said report includes a cost driver and a timeliness driver, wherein timeliness drivers include:

a turnaround time operable for identifying a total time expended between transmitting a general request and receiving a detailed response to said general request; and

an advance notice interval operable for identifying an average advance notice given to at least one of an equipment provider and service provider to initiate an activity.” Rosenzweig is directed to a system for storing and retrieving reports from a computer database. (Abstract). Smith is directed to a system for job-based accounting. (Abstract). Barton is directed to a “network-based marketing system ...which allows user to obtain real-time, single-source LTL freight services.” (Abstract). Neither Rosenzweig, Smith or Barton, either alone or in combination teach or suggest “wherein said report includes a cost driver and a timeliness driver, wherein timeliness drivers include: a turnaround time operable for identifying a total time expended between transmitting a general request and receiving a detailed response to said general request; and an advance notice interval operable for identifying an average advance notice given to at least one of an equipment provider and service provider to initiate an activity.” On page 10 of the Office Action, the Examiner states that because of the alternative language “at least one of” recited in the claim with respect to cost driver and timeliness driver, the Examiner has not considered the timeliness driver in the rejection of claim 1 (Figures 14-15d of Barton disclose “cost for a task and associated time to finish a task.”) The Applicant has amended claim 1 to remove the alternative language. Thus, features recited in claim 1 include a timeliness driver that includes: “a turnaround time operable for identifying a total time expended between transmitting a general request and receiving a detailed response to said general request; and an advance notice interval operable for identifying an average advance notice given to at least one of an equipment provider and service provider to initiate an activity.” There is nothing in any of the cited references that teaches or suggests these features with respect to the timeliness drivers. Claim 1 has been amended to remove alternative language with respect to the report types. The Applicant submits that none of the references, alone or in combination teaches, suggests, or renders obvious

each of the report types recited in claim 1. For at least these reasons, claim 1 is allowable over the combination of Rosenzweig, Smith and/or Barton.

Claim 5 has been amended to recite *inter alia* “wherein said report includes a cost driver and a timeliness driver, wherein timeliness drivers include:

a turnaround time operable for identifying a total time expended between transmitting a general request and receiving a detailed response to said general request; and

an advance notice interval operable for identifying an average advance notice given to at least one of an equipment provider and service provider to initiate an activity.” As indicated above with respect to claim 1, none of the references, alone or in combination, teaches, suggests or renders obvious the timeliness drivers as recited therein. For at least this reason, claim 5 is allowable over the combination of Rosenzweig, Smith and Barton.

Claim 9 has been amended to recite *inter alia* “wherein said report includes a cost driver and a timeliness driver, wherein timeliness drivers include:

a turnaround time operable for identifying a total time expended between transmitting a general request and receiving a detailed response to said general request; and

an advance notice interval operable for identifying an average advance notice given to at least one of an equipment provider and service provider to initiate an activity.” As indicated above with respect to claim 1, none of the references, alone or in combination, teaches, suggests or renders obvious the timeliness drivers as recited therein. For at least this reason, claim 9 is allowable over the combination of Rosenzweig, Smith and Barton.

With regard to claim 16, the Examiner states that Barton teaches “wherein said telecommunication equipment order preparation report include overall percentage of projects containing appendices that are billable by vendor during a period of time for review,” citing the arguments of claim 10, and FIGs. 15a-15d in support. The Applicant respectfully disagrees. The Examiner, in reference to claim 10, points to claim 1 for support of his rejection. The Examiner, however, does not provide prior art in claim 1, or anywhere else in his rejection for the element

“wherein said report type comprises...a telecommunication equipment order preparation report.” Furthermore, there is nothing in the combination of Rosenzweig, Smith or Barton, either alone or in combination that teaches or suggests “wherein said telecommunication equipment order preparation report include overall percentage of projects containing appendices that are billable by vendor during a period of time for review.” The Examiner points to FIGs. 15A-15D of Barton as presumably teaching “wherein said telecommunication equipment order preparation report include overall percentage of projects containing appendices that are billable by vendor during a period of time for review.” FIGs. 15A-15D of Barton show a “run cost report page for a web-based version of the invention...a sample cost report...a run tracking report page for a web-based version of the invention [and] a sample tracking report.” (Barton, col. 6, lines 30-35). The Examiner alleges that these figures teach a “shipment for equipment.” (Office Action, page 16). The Applicant respectfully disagrees. Barton is directed to “A network-based marketing system is disclosed which allows users to obtain real-time, single-source LTL freight services” and is not directed to “telecommunication equipment order preparation,” but is instead directed to freight tracking. (Barton, Abstract) Furthermore, there is nothing in Barton that teaches or suggests “telecommunication equipment order preparation report include overall percentage of projects containing appendices that are billable by vendor during a period of time for review.” In addition, the Examiner, in the Office Action, states that deriving percentages by using division is old and well known in the art, although the Applicant agrees, deriving percentages is not the same as “said telecommunication equipment order preparation report include overall percentage of projects containing appendices that are billable by vendor during a period of time for review.” (Office Action page 16). The Examiner further states, with regard to claim 16, that the combination of Rosenzweig, Smith and Barton do not explicitly teach telephone equipment. (Office Action page 16). The Applicant agrees, however, the Applicant submits that Rosenzweig, Smith and Barton also do not teach an “order preparation report.” Therefore, the Applicant disagrees with the Examiner’s contention that applying Rosenzweig, Smith and Barton to telephone equipment would render “said telecommunication equipment order preparation report include overall percentage of projects containing appendices that are billable by vendor during a period of time for review” obvious. Therefore, for at least these reasons, claim 16 is allowable over the combination of Rosenzweig, Smith and Barton.

With regard to claim 20, there is nothing in the combination of Rosenzweig, Smith and Barton that teaches or suggests “wherein said template is stored in a dynamic template database.” Assuming *arguendo* that the user interface of Rosenzweig is the same as the “template” of claim 20 as the Examiner alleges, there is nothing in Rosenzweig that teaches or suggests storing the user interface in the database. Smith and Barton do not cure the deficiencies in Rosenzweig. Therefore, for at least this reason, claim 20 is allowable over the combination of Rosenzweig, Smith and Barton.

Claims 3-4, 7-8, 10, 14-15, and 17 are believed to be allowable for at least the reason that they depend from what should be an allowable base claim.

Claims 2, 6, and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over “Rosenzweig”, in view of “Smith”, in view of “Barton” and further in view of Volquardsen et al. (U.S. Application Publication 2004/0073434, hereinafter “Volquardsen”). Claims 2, 6 and 11 are believed to be allowable for at least the reason that they depend from what should be an allowable base claim.

Claims 12-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over “Rosenzweig”, in view of “Smith”, in view of “Barton” and further in view of Smith. (U.S. Application Publication 2004/0186763, hereinafter “Smith”). Claims 12-13 are believed to be allowable for at least the reason that they depend from what should be an allowable base claim.

Claims 18-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over “Rosenzweig”, in view of “Smith”, in view of “Barton” and further in view of Morgan et al. (U.S. Patent No. 5799286, hereinafter “Morgan”). Claims 18-19 are believed to be allowable for at least the reason that they depend from what should be an allowable base claim.

### **CONCLUSION**

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicant. Accordingly, reconsideration and allowance is requested. It is submitted that the foregoing amendments and remarks should render the case in condition for allowance.

Accordingly, as the cited references neither anticipate nor render obvious that which the Applicant deems to be the invention, it is respectfully requested that claims 1-20 be passed to issue.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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